

Dec. Rec. 758

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DECLARATORY RESOLUTION NO. 758-1946

For the condemnation of a right of way for sewer, conduit, and pole line purposes, across, through, and under portions of lots between Kenwood Avenue and Curdes Avenue from the east property line of Kentucky Avenue to the west property line of Crescent Avenue.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is deemed necessary to condemn a right of way of sewer, conduit, and pole line purposes, across, through, and under portions of lots lying between Kenwood Avenue and Curdes Avenue from the east property line of Kentucky Avenue to the west property line of Crescent Avenue.

The condemnation of the right of way as above described to be made by condemning and appropriating for sewer, conduit, and pole line purposes the following described property, the south fourteen (14) feet of the north one hundred forty (140) feet of Lots 23, 24, 25, 26, 27, 28, 29, 31, and 32 Elizabeth C. Hanna's Subdivision, the south seven (7) feet of Lot 21 and the north seven (7) feet of Lot 22 Elizabeth C. Hanna's Subdivision, also the south seven and one half ($7\frac{1}{2}$) feet of Lots 9, 10, 11, and the north six and one half ($6\frac{1}{2}$) feet of Lots 6, 7, 8, in Kessler's Addition.

All as shown by a plan of such proposed condemnation of said right of way now on file in the Office of the Department of Public Works of said City.

The property which may be injuriously or beneficially affected by the proposed condemnation of said right of way as above described is described as all lots lying south of Kenwood Avenue, east of Kentucky Avenue, west of Curdes Avenue, and west of Crescent Avenue.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled, "An Act Concerning Municipal Corporations", approved March 6, 1905, and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal annual installments with interest at the rate of five (5) per cent per annum. Under no circumstances shall the City of Fort Wayne, Indiana, be or be held responsible for any sum or sums due from said property owner or owners for said condemnation of property or for the payment of any bond or bonds, certificate or certificates issued in payment for such property damages except for such moneys as shall have been actually received by the City from the assessments for such property damages or such moneys as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

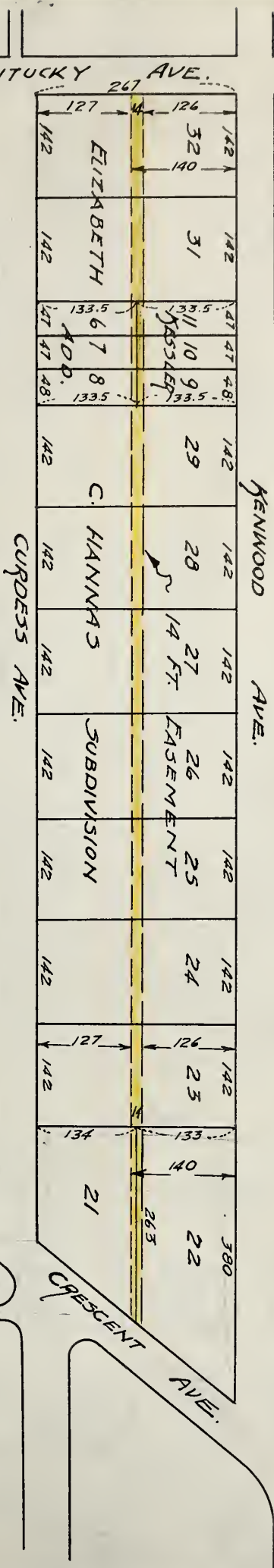
All of said streets and alleys and lots and lands affected by the above described right of way condemnation being situated in the Northwest Quarter of Section 36, Township 31 North, Range 12 East, and within the corporate limits of the City of Fort Wayne, Indiana

Adopted this 4th day of April, 1946

BOARD OF PUBLIC WORKS

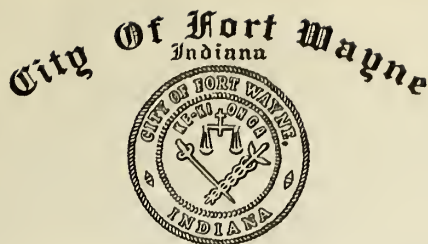
Robert C. Cramo
Frank W. Myers
John H. Johnson

Attest: Nelen W. Lunt Secretary



Plan for the condemnation of a right of way for sewer, conduit, and pole line purposes, across, through, and under portions of lots between Kennwood Avenue and Curdessa Avenue from the east property line of Kentucky to the west property line of Crescent Avenue.

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OFFICE OF
BOARD OF PUBLIC WORKS

FORT WAYNE 2, INDIANA

November 19, 1946

Mr. Lloyd Hartzler
Associate City Attorney
City of Fort Wayne
Fort Wayne, Indiana

Dear Sir:

Please prepare the following easement papers for vacating and establishing easement for sewer, conduit and pole line purposes:

VACATE that portion of the easement between Kenwood Avenue and Curdes Avenue described as the south seven (7) feet of lot number twenty-one (21) and the north seven (7) feet of lot number twenty-two (22), both in Elizabeth C. Hanna's Subdivision.

ESTABLISH an easement for sewer, conduit and pole line purposes across, through and under the west twelve (12) feet of lots twenty-one (21) and twenty-two (22) in Elizabeth C. Hanna's Subdivision.

OWNER: Indiana Synod of United Lutheran Church in America.
Underwriters Building
Indianapolis, Indiana

To be signed by its President
and secretary (unknown).

Send to the Board of Works Office. We will send to Indianapolis and request minutes giving authority to the President and Secretary to sign.

Yours truly,

Helen Sweet

HWS/s

